

**CIVIL SERVICE COMMISSION MINUTES**

**March 16, 2005**

A meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 of the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

A.Y. Casillas  
Gordon Austin  
Barry I. Newman  
Francesca Krauel

Absent was: None

Comprising a quorum of the Commission

Support Staff Present:

Patt Zamarly, Executive Officer  
William D. Smith, Senior Deputy County Counsel  
Selinda Hurtado-Miller, Reporting

**Approved  
Civil Service Commission**

**April 20, 2005**

**COUNTY OF SAN DIEGO  
CIVIL SERVICE COMMISSION MINUTES  
MARCH 16, 2005**

2:00 p.m.            CLOSED SESSION: Discussion of Personnel Matters and Pending Litigation

2:30 p.m.            OPEN SESSION: Room 358, 1600 Pacific Highway, San Diego, California

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<u>Discussion Items</u> 4,5,7,8	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u> 3,9,10
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COMMENTS: Motion by Newman to approve all items not held for discussion; seconded by Austin. Carried.

**CLOSED SESSION AGENDA  
County Administration Center, Room 400B  
(Notice pursuant to Government Code Sec. 54954.2)  
Members of the public may be present at this  
location to hear the announcement of the  
closed session agenda.**

A. Commissioner Krauel: **Mark Tafoya**, Mental Health Specialist, appealing a Final Order of Reduction in Rank and Charges from the Health and Human Services Agency.

**OPEN SESSION AGENDA  
County Administration Center, Room 358**

NOTE: Five total minutes will be allocated for input on Agenda items unless additional time is requested at the outset and approved by the Commission President.

**MINUTES**

1. Approval of the Minutes of the regular meeting of February 16, 2005.

**Approved.**

**CONFIRMATION OF ASSIGNMENTS**

2. Commissioner Newman: Donna Clark-Richardson, SEIU Local 2028, on behalf of **Debra Davis**, former Intermediate Clerk, appealing a Order Final Order of Removal and Charges from the Health and Human Services Agency (HHSA).

**Confirmed.**

3. Commissioner Casillas: Everett Bobbitt, Esq., on behalf of **2005-04**, appealing an Order from the Sheriff's Department.

**Subsequent to dissemination of this Agenda, Item No. 3 was withdrawn.**

## **DISCIPLINES**

### **Findings**

4. Commissioner Krauel: Georg Capielo on behalf of **Mark Tafoya**, Mental Health Specialist, appealing a Final Order of Reduction in Rank and Charges from the HHSA.

### **FINDINGS AND RECOMMENDATION:**

Employee was charged with Cause I - Incompetence (failure to obtain a Marriage and Family therapy License); Cause II - discourteous treatment of the public or other employees (displayed anger, argumentative and intimidating); Cause III - acts that are incompatible with or inimical to the public service.

The matter of the appeal of Mark Tafoya, from a written Final Order of Reduction in Rank and Charges reducing his rank from the class and position of Mental Health Case Management Clinician (Class No. 4835) to the class and position of Mental Health Specialist (Class No. 4836) in the Health and Human Services Agency was presented to the Civil Service Commission. The Commission appointed Commissioner Francesca Krauel to conduct an evidentiary hearing on the appeal and submit findings, conclusions, and recommendations to the Civil Service Commission. Having been duly noticed, the Evidentiary Hearing was conducted by the Hearing Officer on February 17, 2005.

It is therefore recommended that Causes I(D), II(A) & (B) and III be dismissed; that Causes I(A), (B) & (C); and Cause II (C) & (D) be sustained; that the Final Order of Reduction in Rank and Charges be affirmed; that the Commission read and file this report; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

**Motion by Krauel to approve Findings and Recommendations; seconded by Newman. Carried.**

## INVESTIGATIONS

### Requests

5. **Stacie Neldaughter**, Deputy Public Administrator-Guardian II, requesting a Rule XI investigation regarding the conduct and operations of the Office of the Public Administrator/Public Guardian.

RECOMMENDATION: Deny Request.

Ms. Neldaughter addressed the Commission regarding her concerns pertaining to the Office of the Public Administrator/Public Guardian. Patricia Frosio, Public Administrator/Public Guardian, responded to Ms. Neldaughter and welcomed any questions from the Commission as well as a Rule XI investigation, should the Commission so desire.

After discussion among the Commissioners, as well as Dennis Floyd, Sr. Deputy County Counsel, the following motions were considered:

**Motion by Newman to continue this matter. Motion failed for lack of a second.**

**Motion by Krauel to conduct a Rule XI Investigation; seconded by Austin. Motion failed.**

<b>AYES:</b>	<b>AUSTIN, KRAUEL</b>
<b>NOES:</b>	<b>CASILLAS, NEWMAN</b>
<b>ABSTENTIONS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>NONE</b>

**Motion by Newman to accept staff recommendation; seconded by Krauel. Carried.**

<b>AYES:</b>	<b>CASILLAS, NEWMAN, KRAUEL</b>
<b>NOES:</b>	<b>AUSTIN</b>
<b>ABSTENTIONS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>NONE</b>

**Request for Investigation denied.**

## SELECTION PROCESS

### Findings

6. **William Munsch**, appealing the removal of his name by the Department of Human Resources from the employment list for Deputy Sheriff-Detentions/Courts.

RECOMMENDATION: Ratify. Appellant has been successful in the appellate process provided by Civil Service Rule 4.2.2.

**Item No. 6 Ratified.**

**OTHER MATTERS**

**Seal Performance Appraisal**

7. **Jean Vukotich**, Group Human Resources Director, HHSA, requesting the sealing of a Performance Appraisal of **Rafael Lopez**, Administrative Analyst III, for the period January 12, 2003 to January 11, 2004.

RECOMMENDATION: Grant Request.

Commissioner Newman addressed the Commission, stating that it is his concern that although charges are not upheld in an evidentiary hearing, behavior of an employee could have escalated to a limit wherein said behavior would have justly been documented in a performance appraisal. He asked that this item not set precedence for future requests for Rule V sealings.

**Motion by Krauel to accept staff recommendation;  
seconded by Newman. Carried.**

**Extension of Temporary Appointments**

8. Health and Human Services Agency

A. 1 Residential Care Worker I (Leah Lewis)

B. 3 Residential Care Workers II (Pamela Morrison, Malina Marie Reyes, Tomeka Spence)

RECOMMENDATION: Ratify.

Commissioner Newman, although voting to ratify this item, requested that the Executive Officer determine, for meet and confer purposes, the rationale for the fifth reason on the extension form: On-call for recurring, unpredictable need, which makes regular employee impractical.

**Motion by Krauel to accept staff recommendation;  
seconded by Newman. Carried.**

## **INFORMATION**

9. Julie Buechler, Esq., on behalf of, **2005-01**, withdrawal of appeal of an Order from the Sheriff's Department. (Commissioner Krauel)

10. **Erin Treece**, Records and ID Clerk II, withdrawal of appeal of an Order to Terminate and Charges from the Sheriff's Department. (Commissioner Casillas)

11. Public Input.

ADJOURNED: 4:15 p.m.

**NEXT REGULAR MEETING OF THE CIVIL SERVICE COMMISSION: APRIL 20, 2005**